

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

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ENERGY BRANDS INC. d/b/a GLACÉAU,	:	
	:	
Plaintiff,	:	
	:	08 Civ. 4909 (JSR)
v.	:	
	:	
NATIONAL BEVERAGE CORP.,	:	
	:	
Defendant.	:	
-----	X	

NOTICE OF DEFENDANT'S PENDING BRIEFING SCHEDULE

Defendant National Beverage Corp., by and through undersigned counsel, and pursuant to Rule 2(d), Individual Rules of Practice of this Court, and the instruction of the office of the Clerk of the Court regarding same, hereby files this Notice of Defendant's Pending Briefing Schedule. Pursuant to the Court's ruling at the Status Conference held in this matter on July 31, 2008. Defendant has sought, and the Court has granted, leave to file a Motion to Dismiss, Stay or Transfer this action. The schedule for service and filing of papers is as follows:

August 7, 2008 – Defendant's Motion to Dismiss, Stay or Transfer and Memorandum of Law in Support of the Motion

August 18, 2008 – Plaintiff's Memorandum of Law in Opposition to the Motion

August 22, 2008 – Defendant's Reply to Plaintiff's Opposition

August 27, 2008 – Oral Argument on the Motion at 2 p.m.

Dated: Miami, Florida
August 4, 2008

Respectfully submitted,

LOTT & FRIEDLAND, P.A.

By: s/ Leslie J. Lott

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*Attorneys for Defendant,
National Beverage Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on the referenced date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the following Service List in the Manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Leslie J. Lott

Leslie J. Lott

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Service via CM/ECF